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January 28, 2019

BY ECF

Hon. Kiyo A. Matsumoto
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Ilario Sessa
11 Cr 30 (KAM)

Dear Judge Matsumoto:

This letter is submitted in anticipation of Mr. Sessa's sentencing before Your Honor at 3:00 p.m. on February 19, 2019. Mr. Sessa pled guilty before Your Honor to violating the terms of his supervised release by having contact with individuals whom he was prohibited from associating with - the single charge filed against him. This is a Grade C violation under the Sentencing Guidelines and the applicable advisory prison range is 6-12 months.

By this letter, and for the reasons set forth below, I am respectfully asking Your Honor to sentence Mr. Sessa to time served in connection with this matter. Mr. Sessa has been in custody since September 27, 2019. By February 19th, he will have already spent nearly 5 months in custody - near the low end of the applicable advisory Guidelines range here.

Mr. Sessa was gainfully employed while on supervised release at 4 Guys Motors in Brooklyn, where he earned commissions from his employer after selling automobiles that he purchased at auctions. In making its own sentencing recommendation to this Court, the Probation Department wrote that Mr. Sessa “engaged in prolonged conversations of a clandestine nature with known members of Cosa Nostra during which he discussed an ongoing business arrangement.” See Violation of Supervised Release Report at page 33. The ongoing business arrangement related to Mr. Sessa’s legitimate employment at 4 Guys Motors - his old friends were trying to help him make legitimate money and a living in the used car business. The sad reality is that because of Mr. Sessa’s prior criminal history, most people are either reluctant or flat-out refuse to deal with him in a legitimate business setting. While this is clearly no excuse for his clandestine contacts with prohibited individuals, it is at least a candid explanation.

I am aware that in the underlying criminal case Mr. Sessa was sentenced by Your Honor to the high-end of the applicable Guidelines range because of his significant prior criminal history and pattern of engaging in violence. Notably, however, there is *no allegation that Mr. Sessa engaged in any criminal conduct whatsoever while on supervised release, let alone, an act of violence.* In support of its high-end of the Guidelines sentencing recommendation to Your Honor, the Probation Department inexplicably wrote that “it is clear that previous terms of custody and supervised release have done little to dissuade Mr. Sessa from engaging in criminal conduct with associates and members of organized crime; however, [they have] served to discover his criminal conduct.” Id. In reality though, Mr. Sessa is not charged with any new criminal conduct whatsoever here.

Unfortunately, Mr. Sessa is in very poor physical health. He suffers from a number of very significant medical conditions, including potentially crippling and life-threatening ones. Since he was remanded in late September, he has spent a significant portion of his time in custody in excruciating pain, and in the hospital and at an inpatient rehabilitation facility. The Probation Department confirmed in its most recent Memorandum to Your Honor that “Mr. Sessa suffers from numerous chronic

health conditions, including, lupus, morbid obesity, spinal stenosis, lumbar spine disc herniation, deep vein thrombosis, arthritis, neuropathy in both legs, gout, hyperlipidemia, diabetes, sleep apnea, and coronary heart disease.” The Probation Department neglected to mention, however, that Mr. Sessa has also been diagnosed with a blockage in his aorta. This aortic blockage is a condition that is potentially life-threatening and can strike without a moment’s notice. Mr. Sessa also suffers from chronic kidney disease and he was also recently diagnosed with a blood clot in his right calf. Simply put, he is in immediate need of at least two (2) major surgeries - one to repair the blockage in his aorta to avoid disaster - and the other to repair his spine in the hope that he will be able to walk on his own again, or at the very least alleviate the crippling pain.

Finally, I have included for Your Honor’s review, letters from Mr. Sessa’s young daughters, Valentina and Mariarosa. Their letters are heartfelt pleas for their father’s return home.

For all of the foregoing reasons, I am respectfully asking Your Honor to sentence Mr. Sessa to time served.

Respectfully submitted,

/JRF/

James R. Froccaro, Jr.

JRF:pa

1/25/19

Dear Judge matsimoto,

My name is Valentina Sessa and my father is Elasio Sessa. My dad has not been home with me and my Sister and my mom since September, 27 2018. I miss my dad very much and wish that he could be at home with me everyday. He was not at home for Christmas so I really hope that he will be able to be home with me soon. It would make me so happy if you would let him come home to be with our family as soon as possible. Thank you so much for reading my letter.

Sincerely,
Valentina Sessa

Dear Judge Matsimoto,

1/25/19

My name is Mariorosa Sessa. My father, Ilario Sessa, has been away from me for four or more months now. I miss my dad very much, and I was hoping that you could find it in your heart to show some leniency towards my father when deciding how much more time he has to spend away. I really want my dad to be home for my 13th birthday and my sister's 5th grade graduation. My dad has missed out on a lot throughout my life, but I want him to be able to be present for things that he had missed. I miss him more than anything and I hope that he can get home to my mom, sister, and I as soon as possible. Thank you.

Sincerely,
Mariorosa Sessa